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UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
REGION 20

CARPENTERS LOCAL 2236, UNITED  
BROTHERHOOD OF CARPENTERS AND  
JOINERS OF AMERICA,

Petitioner,

and

SQUIRES LUMBER COMPANY, INC.

Respondent.

No. NLRB 20-CA-160279, et al

**CARPENTERS LOCAL 2236'S  
JOINDER TO GENERAL COUNSEL'S  
MOTION TO STRIKE AND MOTION  
FOR A BILL OF PARTICULARS**

Date: February 22, 2016  
Time: 9:00 a.m.  
Place: National Labor Relations Board  
E.V.S. Robbins Courtroom  
901 Market Street, Suite 306  
San Francisco, California

Pursuant to Section 102.20, 102.21 and 102.24 of the Rules and Regulations of the National Labor Relations Board ("Board"), Charging Party, Carpenters Local 2236, United Brotherhood of Carpenters and Joiners of America ("Union"), joins the General Counsel's Motion to Strike and Motion for a Bill of Particulars concerning the Fourth, Tenth and Twelfth Affirmative Defenses in Respondent's Answer.

TENTH AFFIRMATIVE DEFENSE

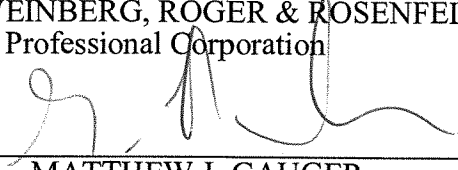
Regarding the Tenth Affirmative Defense, the Charging Party requests that the Administrative Law Judge take judicial notice of the procedural status of Carpenters Union Local 2236 (Squires Lumber Company, Inc.), 20-CC-165441 and Northern California Carpenters'

1 Regional Council (Squires Lumber Company, Inc.), 20-CC-165444. On December 30, 2015,  
2 Region 20 filed issued a Merit Dismissal in these cases. A true and correct copy of the December  
3 30, 2015 Merit Dismissal is attached as Exhibit A. The Regional Council and Carpenters Local  
4 2236 filed a timely appeal with the Office of Appeals on January 13, 2016. As of this writing, the  
5 Office of Appeals has not issued a decision.

6 Respectfully Submitted

7 Dated: February 16, 2016

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

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10 By:   
MATTHEW J. GAUGER  
Attorneys for Carpenters Local 2236

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# **EXHIBIT A**



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738

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WRR SACTO  
Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (415)356-5130  
Fax: (415)356-5156

December 30, 2015

DWIGHT L. ARMSTRONG  
ALLEN MATKINS LECK GAMBLE MALLORY & NATSIS LLP  
1900 MAIN ST FIFTH FL  
IRVINE, CA 92614-7321

Re: Carpenters Union, Local 2236 (Squires  
Lumber Company, Inc.)  
Case 20-CC-165441

Northern California Carpenters Regional  
Council (Squires Lumber Company, Inc.)  
Case 20-CC-165444

Dear Mr. ARMSTRONG:

We have carefully investigated and considered your charges that CARPENTERS UNION LOCAL 2236 has violated the National Labor Relations Act.

**Conditional Decision to Dismiss:** Based on that investigation, it appears that your charge may have merit. However, I have conditionally decided to dismiss your charge 6 months from today because there have not been any meritorious charges against CARPENTERS UNION LOCAL 2236 within the past several years, the alleged unlawful conduct was isolated in nature, and no actual picketing activity or handbilling occurred. In these circumstances, where there is neither an ongoing impact on employees nor other accompanying violations that require a Board remedy, it would not effectuate the purposes of the Act to issue a complaint at this time.

If a meritorious charge involving other unfair labor practices is filed against the Charged Party during that period, I will reconsider whether further proceedings on this charge are warranted.

**Your Right to Appeal:** You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals. If you appeal, you may use the enclosed Appeal Form, which is also available at [www.nlrb.gov](http://www.nlrb.gov). However, you are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect.

**Means of Filing:** An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax or email. To file an appeal electronically, go to the Agency's website at [www.nlrb.gov](http://www.nlrb.gov), click on **E-File Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half**

**Street SE, Washington, DC 20570-0001.** Unless filed electronically, a copy of the appeal should also be sent to me.

**Appeal Due Date:** The appeal is due on **January 13, 2016**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service no later than January 12, 2016. **If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

**Extension of Time to File Appeal:** The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before January 13, 2016**. The request may be filed electronically through the *E-File Documents* link on our website [www.nlr.gov](http://www.nlr.gov), by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after January 13, 2016, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

**Confidentiality:** We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,



JOSEPH F. FRANKL  
Regional Director

Enclosure

cc: SQUIRES LUMBER COMPANY, INC.  
370 N 9<sup>TH</sup> ST  
COLTON, CA 92324-2909

MATTHEW J. GAUGER  
WEINBERG, ROGER & ROSENFELD  
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TIM LIPSCOMB  
CARPENTERS LOCAL 2236  
115 BROADWAY  
OAKLAND, CA 94607-3715

TIM LIPSCOMB, ASSISTANT DIRECTOR OF ORGANIZING  
NORTHERN CALIFORNIA CARPENTERS REGIONAL COUNCIL  
265 HEGENBERGER RD STE 200  
OAKLAND, CA 94621-1480

CHRIS PAXSON, EMPLOYER REPRESENTATIVE  
SQUIRES LUMBER COMPANY, INC.  
3839 BITHELL LA  
SUISUN CITY, CA 94585-9644

EDWARD A. DAINKO, EMPLOYER REPRESENTATIVE  
HUB CONSTRUCTION SPECIALTIES, INC.  
PO BOX 1269  
SAN BERNARDINO, CA 92402-1269

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**PROOF OF SERVICE**

I am a citizen of the United States and a resident of Sacramento County, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 428 J Street, Suite 520, Sacramento, California 95814.

On February 16, 2016, I served the within:

**CARPENTERS LOCAL 2236'S JOINDER TO GENERAL COUNSEL'S MOTION TO STRIKE AND MOTION FOR A BILL OF PARTICULARS**

[ ] **BY MAIL:** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Sacramento, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

[X] **BY FACSIMILE:** I caused to be transmitted each document listed herein via the fax number(s) listed on the attached service list.

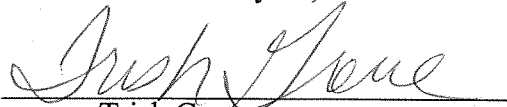
[X] **BY E-MAIL:** I electronically served the above-described document on the following parties by electronically transmitting the foregoing to the e-mail addresses listed.

Dwight L. Armstrong, Attorney  
Allen Matkins Leck Gamble Mallory & Natsis LLP  
1900 Main Street Fifth Floor  
Irvine, CA 92614-7321  
*Served via Email:* [darmstrong@allenmatkins.com](mailto:darmstrong@allenmatkins.com)

John Gilfillan  
370 N 9<sup>th</sup> Street  
Colton, CA 92324  
*Served via Fax:* 707 639-4041

Matthew C. Peterson  
Counsel for the General Counsel NLRB Region 20  
901 Market Street, Suite 400  
San Francisco, CA 94103-1738  
*Served via Email:* [matt.peterson@nrlrb.gov](mailto:matt.peterson@nrlrb.gov)

I certify under penalty of perjury under the laws of the State of California that the above is true and correct. Executed at Sacramento, California on February 16, 2016.

  
Trish Greve